

CDR Remote A Practical Guide to Online Face-to-Face Mediation

Based on experience both before and during the current crisis, Colin Russ, a highly skilled Commercial Mediator with over 20 years experience as a full-time independent mediator, uses his CDR Remote service to deliver effective **Online Face-to-Face Mediation** for his clients.

To help lawyers (and their clients) achieve the best outcome from a CDR Remote mediation, Colin has prepared this practical guide:

CDR Remote Online Face-to-Face Mediation

The mediation proceeds using video conferencing ("VC"), via Zoom or a similar platform, over the course of an 8-hour mediation day with scope to extend this if necessary. Alternatively, the process can be structured over a series of consecutive days.

To enhance the prospects of success, Colin is suggesting a more structured approach in the lead up to the mediation, including a pre-mediation meeting using VC, which may also include clients. On the mediation day, it may be useful to supplement VC with emails and telephone calls.

Pre-Mediation Preparation

A timetable is agreed for:

- The exchange of position statements
- A mediation bundle of core documents to be prepared and shared
- The Mediation Agreement to be signed
- Each party to schedule a separate, confidential pre-mediation VC meeting with Colin
- If required, this pre-mediation meeting can include the "attendance" of clients and counsel (if instructed)
- Email addresses and a contact number for all "attendees" to be provided to Colin (confidentially)

"The clients thought the video conferencing helped everyone focus and get on with what mattered"

"I would mediate using this format again without hesitation"

"That was so much better than I had expected"

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Confidential Pre-Mediation Meeting

A password-protected meeting hyperlink is emailed to each of the participants to enable them to join the VC meeting. All participants can see and speak to one another.

Matters to be discussed include:

- Issues arising out of the position statements
- The pros and cons of a joint (plenary) session
- How a plenary session will work in the context of video conferencing
- How the private sessions with each party will work
- Confirmation that the Mediation Agreement has been signed
- Attendees for the mediation and contact details
- Safety mechanisms in place, including confidentiality
- Benefits of preparing a draft settlement agreement in advance
- Legal and any other professional costs

The Mediation Day

A joint session can be agreed. All Party A "attendees" are emailed with a password-protected VC meeting link and click to join the meeting.

Thereafter, Party B "attendees" also join the meeting via a password-protected link. The meeting then proceeds in very similar fashion to a typical face-to-face plenary session. All participants can see and speak to one another. Discussions are confidential and encrypted and can be of unlimited duration.

This is followed by a succession of private meetings convened by Colin. Between meetings with Colin, each team can also "meet" privately to undertake discussions. Lawyers only and/or P2P meetings can take place as required and agreed.

Once a settlement has been agreed, this can be quickly documented and signed (particularly if a draft has been prepared in advance) and the mediation concluded.

CDR Remote retains key features of conventional mediation: the process proceeds in customary fashion and is both focused and effective.

"It was really useful to have some downtime away from both mediator and client to reflect and prepare for the next meeting"

"I am surprised to say that I really enjoyed that"

"The reality testing came across very well - very considered and focused"